



GOVERNOR GREG ABBOTT

January 4, 2022

Major General Tracy R. Norris
Adjutant General
Texas Military Department
P.O. Box 5218
Austin, Texas 78703

Dear General Norris:

As the commander-in-chief of Texas's militia, I have issued a straightforward order to every member of the Texas National Guard within my chain of command: **Do not punish any guardsman for choosing not to receive a COVID-19 vaccine.** Although my order has been in effect for months now, President Biden has muddied the waters with a vaccine mandate from the U.S. Department of Defense. To clear up any confusion, this letter addresses all Texas guardsmen who are serving in a Title 32 status or a state active duty status.

Unless President Biden federalizes the Texas National Guard in accordance with Title 10 of the U.S. Code, he is not your commander-in-chief under our federal or state Constitutions. And as long as I am your commander-in-chief, I will not tolerate efforts to compel receipt of a COVID-19 vaccine. To the extent the DoD vaccine mandate conflicts with the order I have given, my order controls.

While I refuse to be commandeered into doing the federal government's work, President Biden still poses a career-ending threat to Texas's unvaccinated guardsmen. The Biden DoD has asserted that it can cut off the flow of federal dollars and retirement benefits to unvaccinated guardsmen, by barring their participation in drills, training, and other duties conducted under Title 32. It has also warned that unvaccinated guardsmen will be discharged from the Texas National Guard. In short, the Biden DoD is threatening to take direct action against guardsmen who do not submit to a vaccine mandate that the State of Texas declines to enforce.

Let me be crystal clear: It is the federal government that has put Texas's guardsmen in this difficult position. As your commander-in-chief, I will fight on your behalf. That is why I am suing the Biden Administration over its latest unconstitutional vaccine mandate.

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The federal courts have the power to decide whether President Biden violates the U.S. Constitution's Second Militia Clause by undermining my commander-in-chief power, instead of federalizing Texas's guardsmen to use his own commander-in-chief power. I cannot guarantee that the judiciary will grant the relief you deserve. And if President Biden lawfully calls you into the actual service of the United States, then he could order you to receive the COVID-19 vaccine in his newfound role as your commander-in-chief.

Win or lose, President Biden must be held accountable for his unconscionable willingness to hollow out the Texas National Guard. Please know that I am grateful for your service and will continue fighting on your behalf.

Sincerely,

A handwritten signature in black ink that reads "Greg Abbott". The signature is written in a cursive, flowing style.

Greg Abbott
Governor

GA:jsd